IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15878 of 2004

Between:

Gaddeboina Choudaiah. S/o Subbaiah,
Sathakodu village, Pullalacheruvu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.
4 K.Narasimha Rao S/o. Galaiah
Sathakodu village, Pullalacheruvu Mandal, Prakasam District.
R4 is impleaded as per court order dt. 5-10-2004 in WPMP 23304 of 2004

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the orders of the 1st respondent herein in Rc.CS2/2745/2004 dated 8-8-2004 as illegal, void, arbitrary and unjust and consequently direct the respondents to continue the F.P. Shop dealership of Sathkodu village of Pullalacheruvu Mandal, Prakasam District as was existing earlier, pending disposal of the appeal of the Petitioner before the 1st respondent herein.

Counsel for the Petitioner: MR.SINGAMSRINIVASA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: SMT.K.ARUNA

The Court made the following :

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ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein, who is a Fair Price Shop dealer, filed this Writ Petition, inter alia, challenging the rejection of the stay application pending an appeal, filed against the orders of suspension, passed by the respondent No.1 herein. This Court has granted interim suspension on 09-07-2004.

The 4th respondent herein, who is contesting respondent, represented that subsequent to his appointment as a Fair Price Shop Dealer, He had deposited the requisite amount before the respondent-authorities and distributed the commodities to the cardholders till the date of passing of the interim orders by this Court.

Having heard the Counsel on either side and having regard to the fact the appeal filed by the petitioner is pending before the 1st respondent, it is not necessary to go into the merits of the case.

The Writ Petition is, accordingly, disposed of directing the respondent No.1 to dispose of the appeal filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

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B.PRAKASH RAO, J.

Dated 09-11-2004.

Note: Issue C.C. in

three days.

B/O

Skmr

To

1. The Joint Collector, Ongole, Prakasam District.
2. The Revenue Divisional Officer, Markapur, Prakasam District.
3. The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.
4. 2CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad

(OUT).

5. 2CD copies